08/817704

89 Rec'd PCT/PTO 25 AUG 1997

FORM PTO-1390 (REV 5-93)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. P8214-7002 154-130
	TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371	DATE: August 25, 1997
		U.S. APPLN. NO. (IF KNOWN, SEE 37 CFR 1.5) 08/817,704

INTERNATIONAL APPLICATION NO. PCT/NL95/00370	INTERNATIONAL FILING DATE October 26, 1995	PRIORITY DATE CLAIMED November 3, 1994

TITLE OF INVENTION: USE OF ERYTHROPOIETIN IN THE TREATMENT OF RHEUMATOID ARTHRITIS

APPLICANT(S) FOR DO/EO/US: Anthonius Josef SWAAK

1. _ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
   (THE BASIC FILING FEE IS ATTACHED)

2. XX This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.

3. _ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT articles 22 and 39(1).

4. _ A proper demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.

5. _ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. _ is transmitted herewith (required only if not transmitted by the International Bureau).
   b. _ has been transmitted by the International Bureau.
   c. _ is not required, as the application was filed in the United States Receiving Office (RO/US)

6. _ A translation of the International Application into English (35 U.S.C. 371(c)(2)).

7. _ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. _ are transmitted herewith (required only if not transmitted by the International Bureau).
   b. _ have been transmitted by the International Bureau.
   c. _ have not been made; however, the time limit for making such amendments has NOT expired.
   d. _ have not been made and will not be made.

09/03/1997 KBUKSHA 00000037 08817704 ments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
01 FC:154 130.00 OP

9. XX An oath or declaration of the inventor(s) (35 U.S>C. 371(c)(4)).

10. _ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. _ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. XX An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. _ A FIRST preliminary amendment.
    _ A SECOND or SUBSEQUENT preliminary amendment.

14. _ A substitute specification.

15. _ A change of power of attorney and/or address letter.

16. XX Other items or information: Notification of Missing Requirements
    CHECK NO. 14318

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 08/817,704	INTERNATIONAL APPLICATION NO. PCT/NL95/00370	ATTORNEY DOCKET NO. August 25, 1997 DATE: August 25, 1997

17. xx The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5):

Search Report has been prepared by the EPO or JPO.....$910.00
International preliminary examination fee paid to USPTO (37 CFR 1.482)....$700.00
No international preliminary examination fee paid to USPTO (37 CFR1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))....$770.00
Neither international preliminary examination fee (37 CFR 1.482) or international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....$1,040.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....$ 96.00

				CALCULATIONS	PTO USE ONLY
ENTER APPROPRIATE BASIC FEE AMOUNT =				$00	
Surcharge of $130.00 for furnishing the oath or declaration later than _ 20 xx 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				$130	
Claims	Number Filed	Number Extra	Rate		
Total Claims	13 - 20 =	00	X $ 22.00	$00	
Independent Claims	03 - 3 =	00	X $ 80.00	$00	
Multiple dependent claim(s) (if applicable)			+ $260.00	$00	
TOTAL OF ABOVE CALCULATIONS =				$130	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				$00	
SUBTOTAL =				$130	
Processing fee of $130.00 for furnishing the English translation later the _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				$00	
TOTAL NATIONAL FEE =				$130	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +				$40	
TOTAL FEES ENCLOSED =				$170	
				Amount to be refunded	$
				Charged	$

a. xx A check in the amount of $170 to cover the above fees is enclosed.
b. _ Please charge my Deposit Account No. 14-1060 in the amount of $_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. xx The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1060 .

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIKAIDO, MARMELSTEIN, MURRAY AND ORAM
Metropolitan Square
655 15th Street, N.W.
Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
Telephone No. (202) 638-5000

Robert B. Murray
Reg. No. 22,980

FORM PTO-1390 (REV 5-93)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. P8214-7002
	TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371	DATE: May 5, 1997
		U.S. APPLN. NO. (IF KNOWN, SEE 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/NL95/00370	26 OCTOBER 1995	3 NOVEMBER 1994

TITLE OF INVENTION: USE OF ERYTHRYOPOIETIN IN THE TREATEMENT OF RHEUMATOID ARTHRITIS

APPLICANT(S) FOR DO/EO/US: Anthonius Josef SWAAK

1. XX This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
   (THE BASIC FILING FEE IS ATTACHED)

2. _ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.

3. XX This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT articles 22 and 39(1).

4. XX A proper demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.

5. XX A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. XX is transmitted herewith (required only if not transmitted by the International Bureau).
   b. _ has been transmitted by the International Bureau.
   c. _ is not required, as the application was filed in the United States Receiving Office (RO/US)

6. _ A translation of the International Application into English (35 U.S.C. 371(c)(2)).

7. _ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. _ are transmitted herewith (required only if not transmitted by the International Bureau).
   b. _ have been transmitted by the International Bureau.
   c. _ have not been made; however, the time limit for making such amendments has NOT expired.
   d. _ have not been made and will not be made.

8. _ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).

9. _ An oath or declaration of the inventor(s) (35 U.S>C. 371(c)(4)).

10. _ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. XX An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. _ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13. XX A FIRST preliminary amendment.
    _ A SECOND or SUBSEQUENT preliminary amendment.

14. _ A substitute specification.

15. _ A change of power of attorney and/or address letter.

16. XX Other items or information: PCT/RO/101, PCT/IPEA/416, PCT/IPEA/409, PCT/IPEA/408
    CHECK NO. 13335

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50)	INTERNATIONAL APPLICATION NO. PCT/NL95/00370	ATTORNEY DOCKET NO. P8214-7002 DATE: May 5, 1997

17. xx The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5):

Search Report has been prepared by the EPO or JPO.....$880.00
International preliminary examination fee paid to USPTO (37 CFR 1.482)....$680.00
No international preliminary examination fee paid to USPTO (37 CFR1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))....$750.00
Neither international preliminary examination fee (37 CFR 1.482) or international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....$1,010.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....$ 94.00

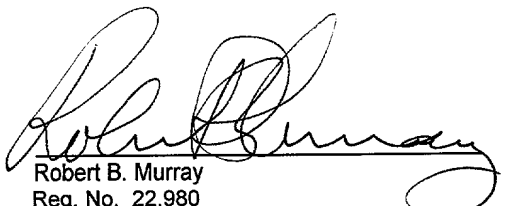
				CALCULATIONS	PTO USE ONLY
ENTER APPROPRIATE BASIC FEE AMOUNT =				$880	
Surcharge of $130.00 for furnishing the oath or declaration later than _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				$00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X $ 22.00	$00	
Independent Claims	- 3 =		X $ 80.00	$00	
Multiple dependent claim(s) (if applicable)			+ $260.00	$00	
TOTAL OF ABOVE CALCULATIONS =				$880	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				$00	
SUBTOTAL =				$880	
Processing fee of $130.00 for furnishing the English translation later the _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				$00	
TOTAL NATIONAL FEE =				$880	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +				$00	
TOTAL FEES ENCLOSED =				$880	
				Amount to be refunded	$
				Charged	$

a. xx A check in the amount of $ 880 to cover the above fees is enclosed.
b. _ Please charge my Deposit Account No. 14-1060 in the amount of $_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. xx The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1060.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIKAIDO, MARMELSTEIN, MURRAY AND ORAM
Metropolitan Square
655 15th Street, N.W.
Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
Telephone No. (202) 638-5000



Robert B. Murray
Reg. No. 22,980

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anthonius Josef SWAAK

Serial No.: Unknown

Filed: May 5, 1997

For: USE OF ERYTHROPOIETIN IN THE TREATMENT OF RHEUMATOID ARTHRITIS

PRELIMINARY AMENDMENT

Assistant Commissioner
of Patents
Washington, D.C. 20231

May 5, 1997

Sir:

Prior to calculation of the filing fee and prior to the examination of this application, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend the claims as follows:

Claims 8 and 9, line 1 of each, delete "anyone of the aforegoing claims" and insert therefor --claim 1--.

Add the following new claims:

--10. Use according to claim 5, wherein the erythropoietin is human erythropoietin.

12. Use according to claim 5, wherein the erythropoietin or the substance having such activity is of recombinant origin.

13. Use according to claim 7, wherein the erythropoietin is human erythropoietin.

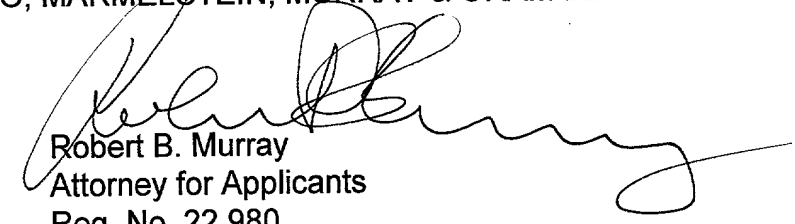
14. Use according to claim 7, wherein the erythropoietin or the substance having such activity is of recombinant origin.--

REMARKS

The above amendment to the claims has been made to correct the multiple dependency of the claims and to put the application in better condition for examination.

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 14-1060.

Respectfully submitted,
NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP



Robert B. Murray
Attorney for Applicants
Reg. No. 22,980

Atty. Docket No.: P8214-7002

Metropolitan Square
655 15th Street, N. W.
Suite 330 - G Street Lobby
Washington, D. C. 20005-5701
Tel (202) 638-5000
Fax (202) 638-4810

RBM/cb

Title: Use of erythropoietin in the treatment of rheumatoid arthritis.

The invention relates to certain novel uses of the known protein erythropoietin (EPO), or substances having such activity as disclosed herein.

Erythropoietin is a humoral regulator of erythropoiesis, which stimulates the production of erythrocytes. In normal conditions it is produced in sufficient quantities in the kidneys and the liver.

In case of hypoxic shocks (such as massive blood loss) erythropoietin production needs to be increased, which means that it has to be synthesised de novo. In disease-free conditions, erythropoietin levels in circulation are extremely low.

Certain diseases or side-effects of treatments of certain diseases lead to a chronic anaemia which overcharges the capacity of erythropoietin production, or otherwise cannot be met by the body's own erythropoietin resources. These diseases include chronic insufficiency of the kidneys, anaemias associated with malignancies, neonate anaemia, chronic anaemia associated with rheumatoid arthritis (ACD), anaemia after bone marrow transplantation, aplastic anaemia, myeloplastic syndrome and various haemoglobin related diseases. Also anaemic side effects have been shown to occur in various chemotherapies and AZT-therapy.
In these cases it may be helpful to administer EPO to increase erythrocyte production.

Human EPO is available as a recombinant protein, which ensures that sufficient quantities can be produced in a very pure form.

Several studies with recombinant human erythropoietin (r-hu-Epo) have been carried out, mainly in patients who underwent renal dialysis for chronic renal failure, in which diminished production of Epo and severe anaemia requiring regular bloodtransfusions occurs. A correction of anaemia by

r-hu-Epo was shown in these cases with minimal side-effects (16,17,18). In AIDS-patients treated with Zidovudine, causing bone marrow suppression, administration of 100 U r-hu-Epo/kg thrice weekly intravenously, significantly decreased transfusion requirements (19).

The invention provides a novel use of erythropoietin which is not directly related to its erythrocyte stimulating properties.

This use is specifically clear in rheumatoid arthritis, which therefore is more specifically described as explanatory example for the invention.

Rheumatoid arthritis is an inflammatory disease of synovial membranes, usually expressing itself in a symmetrical polyarthritis. During the course of their disease 70% of rheumatoid arthritis (RA) patients develop some kind of anaemia (1), which may be due to iron deficiency (2,3), vitamin B12 deficiency or folic acid deficiency (4,5), haemolysis or adverse reactions to anti-rheumatic drugs (6,7). In addition active RA is frequently (in nearly 50%) accompanied by anaemia of chronic disease (ACD) (8).

Factors involved in the pathogenesis of ACD are ineffective erythropoiesis (9), interleukin-1 (10), tumour necrosis factor α (TNF-α) (11), decreased erythropoietin synthesis (5,12,13) and/or a decreased response to erythropoietin by the bone marrow (14,15).

So far only a few studies with r-hu-Epo have been carried out in RA patients. A haemoglobin (Hb) rise was shown in two anaemic RA patients treated with r-hu-Epo, 125-250 IU/kg thrice weekly, a significant haematocrit rise was recorded (20).

We have treated ten RA patients who suffered from ACD with recombinant human EPO.

In all RA patients a rise in haemoglobin was observed. Despite a wide range of values, the increase in haemoglobin became significant after the second week of treatment with recombinant human EPO.

Besides this expected result of EPO treatment a different unexpected benefit was obtained by the treatment.

The invention thus provides the use of erythropoietin or a substance having erythropoietin-like activity in the preparation of a pharmaceutical for the treatment of chronic inflammations, especially those related to (auto-)immune diseases, in particular RA. In RA we found an overall improvement in the clinical parameters for scoring disease activity. Most impressive are the results on clinical variables such as painscore and morning stiffness as disclosed below. A significant decrease in the number of tender joints was already observed after two weeks of treatment. The changes in other clinical parameters did not reach statistical significance due to the wide range of values and the small number of patients in the study. However, when the parameters were expressed as percentages of their baseline value, significant improvements were observed.

In addition to this effect on clinical variables a further positive effect was seen in the area of an overall sense of well-being of the treated patients.

According to the invention any erythropoietin which has the ameliorating effect on chronic inflammations can be used. Preferably this erythropoietin is not immunogenic so that it can be administered repeatedly. This will usually lead to the use of human erythropoietin of any origin, although recombinant erythropoietin seems the product of choice because of its purity and constant quality. On the other hand it may very well be possible to use non-human truncated forms of mammalian erythropoietin as long as they have the activity and are not immunogenic upon normal administration to patients. Selected mutants (longer acting, more stable), fragments or derivatives of erythropoietin may also be used as long as they fulfil both criteria.

It is worthwile to note that patients not having a kind of anaemia can thus be treated with EPO. However, caution has to be taken that Hb-levels do not rise to detrimental levels. Ways of lowering the Hb-levels are well-known in the art.

Also, it will be necessary to ensure that no hypertension occurs at a detremental leval. Ways to avoid such a reaction are also well known in the art.

One of the mechanisms through which EPO may ameliorate the disease symptoms in RA (or other chronical inflammations) is that it mobilises iron towards haemoglobin production. Iron (free and/or bound in ferritin) deposits are known to occur in the synovia of RA-affected patients. Synovial fluid iron levels correlate with RA activity and therefore it is thought that iron is involved in the initiation or maintenance of RA synovitis through mediating tissue damage. The role of iron in the pathogenesis of RA may be related to the fact that iron stimulates the production of hydroxyl radicals, which are very potent agents in the destruction of cartilage, membranes and proteins. A thorough discussion of the role and the mechanisms of iron in the inflamed joint can be found in Vreugdenhil et al. (23). In said study it is suggested to administer iron chelators to RA patients. EPO does not chelate iron. However, EPO does mobilise iron to be incorporated into haemoglobin through serum transferrin. Thus EPO may reduce the levels of iron in the synovial fluids.

Another possible mechanism which may be responsible for the unexpected beneficial effect of EPO in (especially) RA, may be found in its influence on the T_{h1}/T_{h2} balance.

One of the key functional parameters determining the outcome of immune responses, for example infectious agents, is the nature of the cytokines produced locally by immune cells. At this moment evidence is obtained that T-cells can be classified into T_{h1} and T_{h2} cells; both characterized by a different cytokine secretion profile. T_{h1} cells secrete IL-2 and TNF-γ upon activation bu not IL-4 or IL-5, and T_{h2} cells produce IL-4 and IL-5 but not IL-2 or TNF-γ. The differential cytokine profile of these CD4+T cells correlates with different effector functions exerted by these cells: T_{h1} cells mediate delayed type hypersensitivity (DTH) responses and T_{h2} provide superior help for antibody productions by B cells. There is also some support for the notion that T_{h1} and T_{h2}

cells are progency of Th_0 cells which can produce IL-2, TNF-γ, IL-4 and IL-5 simultaneously. T_{h1} like cytokine secretion profile. In different animal studies and observations in human diseases, like leprosy, evidence is obtained that the balance between T_{h1} and T_{h2} response determined the outcome of for example an infectious disease and disease manifestations.At this moment a selective activation of T_{h1}-like T cells is proposed as a hallmark of the aethiopathogenesis of rheumatoid arthritis. Evidence for this hypothesis is formed by the fact that on histopathological examination of the synovial tissue, a DTH like of inflammatory reaction is observed which is characteristic for a T_{h1} response.

Some observations in our RA patients treated with r-hu-EPO showed a rise in serum IgE levels; which is consistent with the concept that EPO can give support for a T_{h2}-like response. In other ways influencing the T_{h1}-T_{h2} balance in a more T_{h2} cytokine secretion profile. Indirect evidence for this hypothesis is formed by the fact that 2 out of 3 monoclonals raised against EPO are of the IgE class (IgE synthesis is regulated by IL-4).

When EPO is administered to new-born rats a reduced neutrophil production is observed. This reduced neutrophil production may be partly responsible for the ameliorating effect observed in our patients in that neutrophils play a key role in inflammatory reactions.

It has also been observed that EPO can in some ways counteract the activity of TNF-α. TNF-α is an important pro-inflammatory cytokine.

It may also be the case that EPO diverts the multipotent progenetor blood cells to the production of erythrocytes instead of granulocytes.

EXPERIMENTAL

Patients:

This study focused on the effects of r-hu-Epo on RA disease activity parameters. It is a part of a project studying the pathogenesis of ACD and possible therapeutic

strategies. The effect of r-hu-Epo on the anaemia and iron metabolism is reported in more detail (21).

Ten patients with RA (22) were studied, fulfilling the criteria for ACD as proposed by Carwright (8). ACD was confirmed by measuring stainable iron in a bone marrow preparation. Patients treated previously with iron, vitamin B12, folic acid and cytotoxic drugs were excluded. Other causes of anaemia were also excluded such as the presence of haematuria, positive occult bloodtest in stool, decreased creatinine clearance, haemolysis and low vitamin B12 of folic acid.

The demographic features of the studied patients are summarized in table I. All patients used a variety of non steroidal anti-inflammatory drugs.

Treatment:

Recombinant human Erythropoietin (r-hu-Epo, Boehringer, Mannheim, Germany), was administered three times a week at a dose of 240 units/kg subcutaneously at the right upper leg for 6 weeks.

Clinical and laboratory monitoring:

Detailed clinical and laboratory evaluation was performed at entry and weekly by the same physician, till the end of the study (6 weeks), then at 9 and 12 weeks after onset of the study. Routine laboratory procedures were used for assessment of haemoglobin (Hb), haematocrit (Ht), mean corpuscular volume (MCV), mean corpus haemoglobin (MCH) and reticulocytes count. Serum iron was measured spectrophotometrically (Instruchemie, Hilversum, the Netherlands). Transferrin and CRP was assessed with a nephelometer (Ablon Medical Systems, Leusden, the Netherlands) and serum ferritin by solid phase enzyme immune assay (Ferrizyme, Abbott Labs, Chigaco, USA). The erythrocyte sedimentation rate (ESR) was measured by the Westergren method. The Ritchie index, grip strength, number of swollen joints, morning stiffness and a subjective pain score (visual analogue scale, 0-10 points) were assessed as well. Liver and kidney function tests were performed to monitor possible side effects.

Data evaluation:

For evaluation all clinical data were stored and analyzed on a Wang personal computer using the Lotus 1-2-3 program. Statistical evaluation of the results was by Fishers' exact test for group differences. P values of 0.05 or less were considered significant.

RESULTS

Effect of r-hu-Epo on the anemia of chronic disease (ACD).

In all RA patents a rise in haemoglobin was observed (table II). Despite of the wide range of values, the increase in haemoglobin became significant after the second week of treatment compared to baseline values. When treatment was stopped haemoglobin stayed significant higher compared to the baseline value, but dropped in the 12th week.

Iron deficiency developed as shown by the fact that five patients were characterized by ferritin levels lower than 40 µg/ml.

Effect of r-hu-Epo on disease activity parameters.

Laboratory parameters: ESR and CRP.

A decrease in ESR was found in all patients (table III), which started at the third week of treatment and remained so until the end of the study. As illustrated the decrease in eight patients was more than 20% of their baseline value; which was highly significant. The same holds true for the CRP values, but due to the wide range in the absolute values and small number of investigated patients, no significance could be calculated. However, expressing the values as a percentage of the baseline value, also in this way after the third week of treatment, a significant decrease in the CRP levels was observed.

Subjective clinical scores: painscore (PS) and morningstiffness (MS).

Both parameters (PS and MS) showed during the follow-up a tendency to decrease (table IV). Caused by the variability in absolute values and small number of patients a significancy could not be calculated. When the values were expressed in a

percentage of the baseline value, the PS decreased significantly after the third week of treatment and the MS after the sixth week.

Objective disease activity scores: gripstrength (GS), Ritchie Index (RI) and number of swollen joints (SJ).

All parameters as shown in table V showed a continuous tendency towards improvement which lasted during, and also after, the treatment period. In the absolute changes in number of tender joints a significant decrease could be calculated from the third week of treatment. Also a continuous decrease in the number of swollen joints was observed from T3 on and at T9 nine out of ten patients had less swollen joints, which was highly significant.

Caused by the variation of the individual values of the GS, it was impossible to calculate a significance. However, when the values were expressed as a percentage of their baseline values after three weeks of treatment, a significant increase in GS was noted. It should be mentioned that the GS remained stable in three patients during our investigation.

TABLE I

Demographic features of ten patients characterized on having anaemia of chronic disease (ACD) and rheumatoid arthritis (RA)

Female/Male	9/1	
Mean age (years)	68 ± 6,5	
Treatment:		
Prednisolone	(2 patients)	5 mg
Sulphasalasine	(3 patients) (range)	1.5-2.5 g/day
Plaquenil	(1 patient)	200 mg/day
Auromyose	(1 patient)	50 mg/in 2 weeks
D-Penicillamine	(2 patients) (range)	500-750 mg/day

All patients were treated for more than 2 months with the mentioned disease modifying anti-rheumatic drugs.

TABLE II

Effect of recombinant human erythropoietin (r-hu-Epo) therapy on haemoglobin and ferritin levels at the defined time periods after onset therapy in ten patients with rheumatoid arthritis (RA)

Variable	Base-line	Values during the 6 weeks therapy and after 3 and 6 weeks of treatment.							
	TO*	T1	T2	T3	T4	T5	T6	T9	T12
Hemo-globin mmol/l ± sd	5.9 0.4	6.1 0.5	6.5** 0.6	6.8 0.7	7.0 0.9	7.2 1.0	7.2 1.0	7.2 1.1	6.6 0.9
Ferritin material µg/ml Range	216 140-318		143** 44-301				80 14-157	49 19-82	61 52-84

* Refers to treatment weeknumber.
** Marks the treatment period when the differences between baseline became significant.

TABLE III

Effect of recombinant human erythropoietin (r-hu-Epo) treatment on the erythrocyte sedimentation rate (ESR) and C-reactive protein (CRP) levels at the defined time periods after onset therapy in ten patients with rheumatoid arthritis (RA)

Variable	Baseline	Values during 6 and 3 weeks after the end of treatment period.		
		T3*	T6	T9
ESR (mmH)				
mean	82	61**	53**	56**
ranges	42-137	18-112	7-98	7-111
ESR (%)				
mean	100	63	59	64
ranges	-	32-107	16-108	16-144
Number of patients with a change > 20% baseline value	-	8**	7**	8**
CRP (mg/l)				
mean	51	45	43	44
ranges	10-105	4-113	3-122	1-144
CRP (%)				
mean	100	85	85	81
ranges	-	17-155	8-204	5-181
Number of patients with a change > 20% baseline value	-	5**	6**	6**

* Refers to treatment weeknumber.

** Marks the treatment period when the differences compared to baseline values became significant. $P > 0.05$, Fishers's exact test.

TABLE IV

Effect of recombinant human erythropoietin (r-hu-Epo) treatment on the overall pain score (PS) and morning stiffness duration (MS) at the defined time periods after onset treatment in ten patients with rheumatoid arthritis (RA).

Variable	Baseline	Values during 6 and 3 weeks after the end of treatment period.		
		T3*	T6	T9
PS mean ranges	3.9 2.7	3.0 1-5	2.7 1-5	2.8 1-5
PS (%) mean ranges	100 -	82 50-150	70 33-150	73 33-100
Number of patients with a change > 20% baseline value	-	7**	8**	6**
MS (min) mean ranges	45 10-120	37 10-120	35 10-120	36 10-120
MS (%) mean ranges	100 -	88 50-150	78 50-150	85 50-150
Number of patients with a change > 20% baseline value	-	3	5**	5**

* Refers to treatment weeknumber.
** Marks the treatment period when the differences compared to baseline values became significant.
P > 0.05, Fishers's exact test.

TABLE V

Effect of recombinant human erythropoietin (r-hu-Epo) treatment on the Ritchie index (RI), number of swollen joints (SJ) and grip strenght (GS) at the defined time periods after onset treatment in ten patients with rheumatoid arthritis (RA).

Variable	Baseline	Values during 6 and 3 weeks after the end of treatment period.		
		T3*	T6	T9
RI mean ranges	13 3-38	10.2 1-22	7.7** 1-14	6** 2-13
RI (%) mean ranges	100 -	66 25-100	62 33-111	56 22-95
Number of patients with a change > 20% baseline value	-	8**	7**	9**
SJ mean ranges	8 6-5	6 3-11	4.5 2-8	4.5 1-9
SJ (%) mean ranges	100 -	72 42-100	61 37-100	51 20-100
Number of patients with a change > 20% baseline value	-	8*	7*	9*
ESR (mmH) mean ranges	72 15-190	87 20-220	91 20-220	90 15-220
ESR (%) mean ranges	100 -	112 90-133	118 90-166	118 90-166
Number of patients with a change > 20% baseline value	-	4**	4**	5**

* Refers to treatment weeknumber.

** Marks the treatment period when the differences compared to baseline values became significant.

P > 0.05, Fishers's exact test.

References

1. Mowat MG: Hematologic abnormalities in rheumatoid arthritis. Semin Arthr Rheum 1971; 1:383-390.
2. Hansen TM, Hansen HE, Birgens HS, Hölund B, Lorenzen I: Serum ferritin and the assessment of iron deficiency in rheumatoid arthritis. Scand J Rheumatol 1983; 12:353-359.
3. Vreugdenhil G, Baltus CAM, Van Eijk HG, AJG Swaak: Anemia of chronic disease. Diagnostic significance of erythrocyte and serological parameters in iron deficient rheumatoid arthritis patients. Br J Rheumatol 1990; 29:105-110.
4. Couchman KG, Bieder L, Wigley RD, Glenday AG: Vitamin B12 absorption and gastric antibodies in rheumatoid arthritis. NZ Med J 1968; 153-156.
5. Vreugdenhil G, Wognum AW, Van Eijk HG, AJG Swaak: Anemia in rheumatoid arthritis. The role of iron, vitamin B12 and folic acid deficiency and erythropoietin responsiveness. Ann Rheum Dis 1990; 49:93-98.
6. Van de Putte LBA: Pancytopenia related to azathioprine in rheumatoid arthritis. Ann Rheum Dis 1988; 47(6):503-505.
7. Dinant HJ, De Maat CEM: Erythropoiesis and mean cell lifespan in normal subjects and patients with the anemia of rheumatoid arthritis. Br J Hematol 1979; 39:437-444.
8. Cartwright GE and Lee GR: The anemia of chronic disorders. Br J Hematol 1971; 21:147-152.
9. Williams RA, Samson D, Tikerpae J, Crowne H, Gumpel JM: In vitro studies of ineffective erythropoiesis in rheumatoid arthritis. Ann Rheum Dis 1982; 41:502-507.
10. Maury CPJ, Andersson LC, Teppo AM, Patanen S, Juronen E: Mechanisms of anemia in rheumatoid arthritis: demonstration of raised interleukin-1 beta concentrations in anemic patients and of interleukin-1 beta mediated suppression of normal erythropoiesis and proliferation of human erythroleukemia cells in vitro. Ann Rheum Dis 1988; 47:972-978.

11. Roodman GD: Mechanisms of erythroid suppression in anemia of chronic disease. Blood Cells 1987; 13:171-184.

12. Ward HP, Gordon B, Picket JC: Serum levels of erythropoietin in rheumatoid arthritis. J Lab Clin Med 1969; 74:93-97.

13. Baer AN, Dessypris N, Goldwasser E, Krantz SB: Blunted erythropoietin response to anemia in rheumatoid arthritis. Br J Hematol 1987; 66:559-564.

14. Zucker S, Lysik RM, Di Stefano M: Cancer cell inhibition on erythropoiesis. J Lab Clin Med 1980; 99:770-782.

15. Harvey AR, Clarke BJ, Chui DHK, Kean F, Buchanan WW: Anemia associated with rheumatoid disease. Inverse correlation between erythropoiesis and both IgM and rheumatoid factor levels. Arthr Rheum 1983; 26:28-34.

16. Esbach JW, Egrie JC, Downing MR: Correction of the anemia of endstage renal disease with recombinant human erythropoietin results of a phase I an II clinical trial. N Eng J Med 1987; 316:73-78.

Urabe A, Tokaku F, Mimura N: Therapeutic effect of recombinant human erythropoietin in anemia caused by chronic renal disease. Exp Hematol 1987; 15:438-441.

18. Ponticelli C, Casat S: Correction of anemia with recombinant human erythropoietin. Nephron 1989; 52:201-208.

19. Fischl M, Galpin JE, Levine JD: Recombinant human erythropoietin for patients with AIDS treated with Zidovudine. N Eng J Med 1990; 21:1488-1493.

20. Pincus T, Olsen NJ, Russel IJ: Multicenter study of recombinant human erythropoietin in correction of anemia in rheumatoid arthritis. Am J Med 1990; 89:161-168.

21. Vreugdenhil G, Manger B, Nieuwenhuizen C, van Eijk HG, Swaak AJG: Iron stores and serum transferrin receptor levels during recombinant human erythropoietin treatment of anemia in rheumatoid arthritis. Ann of Hematol 1992; 65:265-268.

22. Arvett FC, Edworthy S, Bloch DE: The American Rheumatism Association 1987, revised criteria for the classification of rheumatoid arthritis. Arthr Rheum 1988; 31:315-324.

23. Synovial Iron Deposition and Rheumatoid Arthritis. G Vreugdenhil and AJG Swaak in: Handbook on metal-ligand interactions in biological fluids vol. 2 part four, chapter 5 section c. Editor: Guy Berthon: 1993.

CLAIMS

1. Use of erythropoietin or a substance having erythropoietin-like activity in the preparation of a pharmaceutical for the treatment of chronic inflammations.

2. Use according to claim 1, wherein the inflammation is associated with an immune disease.

3. Use according to claim 2 wherein the immune disease is an auto-immune disease.

4. Use according to claim 3, wherein the auto-immune disease is rheumatoid arthritis.

5. Use of erythropoietin or a substance having erythropoietin-like activity in the preparation of a pharmaceutical for the treatment of symptoms associated with rheumatoid arthritis.

6. Use according to claim 5, wherein the symptoms treated comprise at least one of the group of morning stiffness, painful and swollen joints, loss of grip strength and pain.

7. Use of erythropoietin or a substance having erythropoietin-like activity in the preparation of a pharmaceutical for the amelioration of disease activity of rheumatoid arthritis.

8. Use according to anyone of the afore going claims, wherein the erythropoietin is human erythropoietin.

9. Use according to anyone of the aforegoing claims wherein the erythropoietin or the substance having such activity is of recombinant origin.

N, M, M & O Docket No. P8214-7002 NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP

Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention **entitled**
(Insert Title) USE OF ERYTHROPOIETIN IN THE TREATMENT OF RHEUMATOID ARTHRITIS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 26, 1995 as United States Application Number or PCT International Application Number PCT/NL95/00370 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications. See note A on back of this page)				Priority Claimed
	94203205.3 (Number)	EPO (Country)	03/11/94 (Day/Month/Year Filed)	☒ Yes ☐ No
	(Number)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No
	(Number)	(Country)	(Day/Month/Year Filed)	☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

(See Note B on back of this page) ☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)			
	(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
	(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

And I hereby appoint as principal attorneys David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Robert B. Murray, Reg. No. 22,980; Martin S. Postman, Reg. No. 18,570; E. Marcie Emas, Reg. No. 32,131; Douglas H. Goldhush, Reg. No. 33,125; Kevin C. Brown, Reg. No. 32,402; Monica Chin Kitts, Reg. No. 36,105; Sharon N. Klesner, Reg. No. 36,335; and Richard J. Berman, Reg. No. 39,107.

Please direct all communications to the following address: NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP
Metropolitan Square
655 Fifteenth Street, N.W., Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
(202) 638-5000 Fax: (202) 638-4810

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(See Note C on back of this page)

Full name of sole or first inventor Anthonius Josef SWAAK

Inventor's signature _____ May 12, 1997 Date

Residence Kralingseweg 322, NL-3066 RB Rotterdam, Netherlands

Citizenship The Netherlands

Post Office Address Same as residence